

1 JONATHAN J. BART, ESQ.
 2 Admitted *Pro Hac Vice*
 3 PA Identification No.: 49119
 4 WILENTZ, GOLDMAN & SPITZER P.A.
 5 Two Penn Center, Suite 910
 6 Philadelphia, PA 19102
 7 Telephone: 215-569-0000
 8 Facsimile: 215-636-3999
 9 E-mail: jbart@wilentz.com
 10 Attorneys for Estate of Tabas

Electronically Filed on:
January 18, 2007

11 JANET L. CHUBB, ESQ.
 12 Nevada State Bar No. 176
 13 LOUIS M. BUBALA III, ESQ.
 14 Nevada State Bar No. 8974
 15 JONES VARGAS
 16 100 W. Liberty St, 12th Floor
 17 P.O. Box 281
 18 Reno, NV 89504-0281
 19 Telephone: 775-786-5000
 20 Fax: 775-786-1177
 21 Email: jlc@jonesvargas.com
 22 and tbw@jonesvargas.com
 23 and lbubala@jonesvargas.com

24 Attorneys for Fertitta Enterprises, Inc.,
 25 and designated Nevada counsel for Estate of Tabas

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

26 In re:

27 USA COMMERCIAL MORTGAGE COMPANY,
 28 Debtor.

Case No. BK-S-06-10725-LBR
 Case No. BK-S-06-10726-LBR
 Case No. BK-S-06-10727-LBR
 Case No. BK-S-06-10728-LBR
 Case No. BK-S-06-10729-LBR

29 USA CAPITAL REALTY ADVISORS, LLC,
 30 Debtor.

Chapter 11

31 USA CAPITAL DIVERSIFIED TRUST DEED FUND,
 32 LLC,
 33 Debtor.

**AMENDED CERTIFICATE OF
 SERVICE OF ESTATE OF
 DANIEL TABAS' & FERTITTA
 ENTERPRISES INC.'S MOTION
 FOR RELIEF FROM THE
 AUTOMATIC STAY TO
 TERMINATE THE LOAN
 SERVICING AGREEMENT FOR
 THE DIRECT LOAN TO COLT
 GATEWAY LLC, DECLARATION
 OF WILLIAM J. BULLARD, and
 MOTION FOR ORDER
 SHORTENING TIME**

34 USA SECURITIES, LLC,
 35 Debtor.

36 Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Hearing Date: OST Pending
 Hearing Time: OST Pending

JONES VARGAS
 100 W. Liberty Street, 12th Floor
 P.O. Box 281
 Reno, Nevada 89504-0281
 Tel: (775) 786-5000 Fax: (775) 786-1177

1 1. On January 17, 2007, we served the following document(s):

2 **ESTATE OF DANIEL TABAS' AND FERTITTA ENTERPRISES, INC.'S**
3 **MOTION FOR RELIEF FROM THE AUTOMATIC STAY TO TERMINATE THE**
4 **LOAN SERVICING AGREEMENT FOR THE DIRECT LOAN TO COLT GATEWAY**
5 **LLC, DECLARATION OF WILLIAM J. BULLARD IN SUPPORT thereof,**
6 **and MOTION FOR ORDER SHORTENING TIME**

7 2. I served the above-named document(s) by the following means to the persons as
8 listed below:

9 ■ a. **ECF System** (attach the "Notice of Electronic Filing" or list all persons and
10 addresses):

11 • MICHELLE L. ABRAMS mabrams@mabramslaw.com
12 • FRANKLIN C. ADAMS franklin.adams@bbklaw.com, arthur.johnston@bbklaw.com
13 • NANCY L ALLF nallf@parsonsbehle.com,
14 klawrence@parsonsbehle.com;tthomas@parsonsbehle.com;ecf@parsonsbehle.com
15 • FRANK A. ANDERSON anderson.frank@pbgc.gov, efile@pbgc.gov
16 • OGONNA M. ATAMOH oatamoh@nevadafirm.com,
17 bkecf@nevadafirm.com;paltstatt@nevadafirm.com;sliberio@nevadafirm.com
18 • KERIANN M ATENCIO ATENCIO@GTLAW.COM
19 • BMC GROUP, INC. evrato@bmccgroup.com,
20 ecf@bmccgroup.com;jmiller@bmccgroup.com;jbartlett@bmccgroup.com
21 • GEORGANNE W. BRADLEY georganne.bradley@bullivant.com,
22 mary.opatrny@bullivant.com
23 • KELLY J. BRINKMAN kbrinkman@goldpatterson.com
24 • THOMAS R BROOKSBANK tom@tombrooksbank.com, renee@tombrooksbank.com
25 • ANDREW M. BRUMBY abrumby@shutts-law.com, rhicks@shutts-
26 law.com;lmackson@shutts-law.com
27 • LOUIS M. BUBALA lbubala@jonesvargas.com,
28 tbw@jonesvargas.com;bjlingenfelter@jonesvargas.com
• MATTHEW Q. CALLISTER mqc@callister-reynolds.com, maggie@callister-
reynolds.com
• CANDACE C CARLYON ltreadway@sheacarlyon.com, ccarlyon@sheacarlyon.com;
bankruptcyfilings@sheacarlyon.com; rmsmith@sheacarlyon.com
• ROB CHARLES rcharles@lrlaw.com, cjordan@lrlaw.com
• MICHAEL W. CHEN yvette@ccfirm.com
• KEVIN B. CHRISTENSEN kbchrislaw@aol.com
• JANET L. CHUBB tbw@jonesvargas.com
• JEFFREY A. COGAN jeffrey@jeffreycogan.com, sarah@jeffreycogan.com
• WILLIAM D COPE cope_guerra@yahoo.com
• CICI CUNNINGHAM bankruptcy@rocgd.com
• LAUREL E. DAVIS bklscfv@lionelsawyer.com,
ldavis@lionelsawyer.com;gbagley@lionelsawyer.com;ldavisesq@aol.com
• DEBT ACQUISITION COMPANY OF AMERICA V, LLC (tf) tfette@daca4.com
• THOMAS H. FELL BANKRUPTCYNOTICES@GORDONSILVER.COM
• SCOTT D. FLEMING sfleming@halelane.com,
dbergsing@halelane.com,ecfvegas@halelane.com
• GREGORY E GARMAN bankruptcynotices@gordonsilver.com

- 1 • WADE B. GOCHNOUR wgochnour@hwmlvlaw.com, donnat@hwmlvlaw.com
- 2 • CARLOS A. GONZALEZ carlos.gonzalez2@usdoj.gov,
Darlene.Ruckard@usdoj.gov;Eunice.Jones@usdoj.gov;Sue.Knight@usdoj.gov
- 3 • GERALD M GORDON bankruptcynotices@gordonsilver.com
- 4 • R. VAUGHN GOURLEY vgourley@lvcm.com
- 5 • TALITHA B. GRAY bankruptcynotices@gordonsilver.com
- 6 • JAMES D. GREENE bknotice@schrecklaw.com
- 7 • MARJORIE A. GUYMON bankruptcy@goldguylaw.com, ddias@goldguylaw.com
- 8 • JEFFREY R. HALL jhall@sheacarlyon.com,
bankruptcyfilings@sheacarlyon.com;aboehmer@sheacarlyon.com;ltreadway@sheacarlyon
.com;rmsmith@sheacarlyon.com
- 9 • XANNA R. HARDMAN xanna.hardman@gmail.com
- 10 • STEPHEN R HARRIS noticesbh&p@renolaw.biz
- 11 • JEFFREY L HARTMAN notices@bankruptcyreno.com
- 12 • BRIGID M. HIGGINS bankruptcynotices@gordonsilver.com
- 13 • JOHN HINDERAKER JHinderaker@LRL.com
- 14 • RICHARD F. HOLLEY rholley@nevadafirm.com,
paltstatt@nevadafirm.com;vnelson@nevadafirm.com;sliberio@nevadafirm.com;bkecf@ne
vadafirm.com
- 15 • RANDOLPH L. HOWARD rhoward@klnevada.com,
ckishi@klnevada.com;bankruptcy@klnevada.com
- 16 • DAVID W. HUSTON dwh@hustonlaw.net, swaits@hustonlaw.net
- 17 • CHRISTOPHER D JAIME cjaime@waltherkey.com, kbernhar@waltherkey.com
- 18 • EVAN L. JAMES ejameslv@earthlink.net, kbchrislaw@aol.com
- 19 • ANNETTE W JARVIS ajarvis@rqn.com
- 20 • TY E. KEHOE TyKehoeLaw@aol.com
- 21 • ROBERT R. KINAS rkinas@swlaw.com,
jmcbee@swlaw.com;jmath@swlaw.com;imccord@swlaw.com
- 22 • DEAN T. KIRBY dkirby@kirbymac.com,
jhebert@kirbymac.com;lackerman@kirbymac.com
- 23 • ZACHARIAH LARSON ecf@lslawnv.com
- 24 • JOHN J. LAXAGUE jlaxague@caneclark.com
- 25 • GEORGE C LAZAR glazar@foxjohns.com, gclazar@sbcglobal.net
- 26 • NILE LEATHAM nleatham@klnevada.com,
ckishi@klnevada.com;bankruptcy@klnevada.com
- 27 • ROBERT C. LEPOME rlepome@cox.net, smstanton@cox.net
- 28 • ANNE M. LORADITCH ecffilings@beckleylaw.com,
aloraditch@beckleylaw.com;pkois@beckleylaw.com
- PATRICIA A. MARR jjllaw@leelaw.lvcoxmail.com,
lvlaw03@yahoo.com;mark@leelaw.lvcoxmail.com
- JAMES C. MCCARROLL , dturetsky@reedsmith.com;aleonard@reedsmith.com
- REGINA M. MCCONNELL rmcconnell@kssattorneys.com
- WILLIAM L. MCGIMSEY lawoffices601@lvcoxmail.com
- RICHARD MCKNIGHT mcknightlaw@cox.net,
gkopang@lawlasvegas.com;cburke@lawlasvegas.com
- JEANETTE E. MCPHERSON bkfilings@s-mlaw.com
- JEANETTE E. MCPHERSON bkfilings@s-mlaw.com

JONES VARGAS
100 W. Liberty Street, 12th Floor
P.O. Box 281
Reno, Nevada 89504-0281
Tel: (775) 786-5000 Fax: (775) 786-1177

1 • SHAWN W MILLER bankruptcyfilings@sheacarlyon.com,
 2 smiller@sheacarlyon.com;aboehmer@sheacarlyon.com;ltreadway@sheacarlyon.com;rsmit
 3 h@sheacarlyon.com
 4 • DAVID MINCIN mcknightlaw@cox.net,
 5 gkopang@lawlasvegas.com;dmincin@lawlasvegas.com,cburke@lawlasvegas.com
 6 • JOHN F MURTHA jmurtha@woodburnandwedge.com
 7 • ERVEN T. NELSON erv@rlbolick.com, susan@rlbolick.com
 8 • VICTORIA L NELSON bkecf@nevadafirm.com,
 9 vnelson@nevadafirm.com;paltstatt@nevadafirm.com;rholley@nevadafirm.com;sliberio@
 10 nevadafirm.com
 11 • BOB L. OLSON ecffilings@beckleylaw.com,
 12 bolson@beckleylaw.com;dgriffis@beckleylaw.com
 13 • DONNA M. OSBORN ebaker@marquisaurbach.com,
 14 dosborn@marquisaurbach.com;tszostek@marquisaurbach.com,kgallegos@MarquisAurba
 15 ch.com
 16 • ANDREW M. PARLEN aparlen@stutman.com
 17 • DONALD T. POLEDNAK sandplegal@yahoo.com, spbankruptcy@yahoo.com
 18 • PAUL C RAY info@johnpeterlee.com
 19 • CHRISTINE A ROBERTS bankruptcy@rocgd.com
 20 • SUSAN WILLIAMS SCANN sscann@deanerlaw.com, palexander@deanerlaw.com
 21 • LENARD E. SCHWARTZER bkfilings@s-mlaw.com
 22 • JAMES PATRICK SHEA bankruptcyfilings@sheacarlyon.com,
 23 ltreadway@sheacarlyon.com;rmsmith@sheacarlyon.com;aboehmer@sheacarlyon.com
 24 • SHLOMO S. SHERMAN ssherman@sheacarlyon.com,
 25 aboehmer@sheacarlyon.com;bankruptcyfilings@sheacarlyon.com;ltreadway@sheacarlyon
 26 .com;rmsmith@sheacarlyon.com
 27 • AMBRISH S. SIDHU ecf@lslawnv.com
 28 • JEFFREY G. SLOANE gjklepel@yahoo.com, rmcconnell@kssattorneys.com
 1 • ALAN R SMITH mail@asmithlaw.com,
 2 turk@asmithlaw.com;marsh@asmithlaw.com;darby@asmithlaw.com
 3 • DAVID A. STEPHENS dstephens@lvcm.com
 4 • PETER SUSI cheryl@msmlaw.com, msm@msmlaw.com
 5 • JEFFREY R. SYLVESTER jeff@sylvesterpolednak.com,
 6 David@sylvesterpolednak.com
 7 • CARYN S. TIJSSELING ctijsseling@beckleylaw.com, jblair@beckleylaw.com
 8 • AMY N. TIRRE , lleverett@kkbrf.com
 9 • AMY N. TIRRE atirre@kkbrf.com, lleverett@kkbrf.com
 10 • U.S. TRUSTEE - LV - 11 USTPRegion17.lv.ecf@usdoj.gov
 11 • GREGORY J. WALCH GWalch@Nevadafirm.com
 12 • RUSSELL S. WALKER rwalker@wklawpc.com,
 13 eloveridge@wklawpc.com;lboynton@wklawpc.com;ckirk@wklawpc.com
 14 • WHITNEY B. WARNICK wbw@albrightstoddard.com, bstessel@albrightstoddard.com
 15 • WILLIAM J. WRAY wjjw@oreillylawgroup.com,
 16 rh@oreillylawgroup.com,bc@oreillylawgroup.com,lc@oreillylawgroup.com,ddh@oreillyl
 17 awgroup.com,mr@oreillylawgroup.com
 18 • JOAN C WRIGHT jwright@allisonmackenzie.com, jbrooks@allisonmackenzie.com
 19 • MATTHEW C. ZIRZOW bankruptcynotices@gordonsilver.com

JONES VARGAS
 100 W. Liberty Street, 12th Floor
 P.O. Box 281
 Reno, Nevada 89504-0281
 Tel: (775) 786-5000 Fax: (775) 786-1177

- ANTHONY A. ZMAILA azmaila@nevadafirm.com, bkecf@nevadafirm.com;mbarnes@nevadafirm.com,paltstatt@nevadafirm.com

■ b. **United States mail, postage fully prepaid** (list persons and addresses):

The Motion for Relief from the Automatic Stay and the Declaration of William J. Bullard were placed in the U.S. Mail at Reno, Nevada, on January 17, 2007, and the Motion for Order Shortening Time was placed in the U.S. Mail at Reno, Nevada on January 18, 2007, addressed to:

THOMAS J. ALLISON
USA COMMERCIAL MORTGAGE ET AL.
4484 SOUTH PECOS ROAD
LAS VEGAS, NV 89121

9 c. Personal Service (list persons and addresses):

I personally delivered the document(s) to the persons at these addresses:

9 For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

9 For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

- d. **By direct email (as opposed to through the ECF System)** (list persons and email addresses) on the morning of January 18, 2007:

Frank Merola, Eve Karasik & Christine M. Pajak

fmerola@stutman.com; ekarasik@stutman.com; cpajak@stutman.com

Marc A. Levinson & Lynn Trinka Ernce
malevinson@orrick.com;lernce@orrick.com

**Andrew Welcher c/o William E. Winfield,
wwinfield@nchc.com**

Steven C. Strong, & Douglas M. Monson
sstrong@rqn.com; dmonson@rqn.com

Leonard E. Schwartzer
Lschwartzer@s-mlaw.com

Susan M. Freeman
sfreeman@lrlaw.com

August B. Landis
Augie.landis@usdoj.gov

**Nevada Mortgage Lending Division
Attn: Susan Eckhardt
seckhardt@mld.nv.gov**

Based upon the written agreement of the parties to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

9 e. By fax transmission (list persons and fax numbers):

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

9 f. By messenger:

I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a messenger for service. (A declaration by the messenger must be attached to this Certificate of Service).

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 18th day of January, 2007.

C. Grinstead, J. Englehart & T. Waldo //s// T. Waldo, J. Englehart & C. Grinstead
Name Signature

JONES VARGAS
100 W. Liberty Street, 12th Floor
P.O. Box 281
Reno, Nevada 89504-0281
Tel: (775) 786-5000 Fax: (775) 786-1111